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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,445	09/17/2003	Harunobu Kusumoto	01043-1001	4530

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EXAMINER

HUNTER, ALVIN A

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,445

Applicant(s)

KUSUMOTO ET AL.

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: In line 15, the word "forth" should read --fourth--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "... located on the side of a heel toward said heel of said of said head body. . . ." Language is not enabling being that the club head has only one heel. If enabling clarity, needed. For the purpose of examination, language will be interpreted as located on the side of a heel toward a toe of the head body.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (USPN 5255918) in view of O'Doherty et al. (USPN 6383090).

Regarding claim 1-3, Anderson discloses an iron head for a golf club including a head body 20 made of a metal such as stainless steel, beryllium copper, titanium, aluminum and having a hosel part 62 and a plate-like face body 21 welded to the head body and made of a metallic material comprising a means for defining a cavity portion between the plate-like face body and a back part of the head body, the cavity portion being defined so as to extend to a position remote from a periphery of the plate-like face body located on the side of a heel toward the toe of the head body, and a receipt portion of the head body provided for receiving a rear face of the plate-like face body located on the side of the heel having a length thereof extending along the periphery of the plate-like body located on the side of the heel and being equal to or less than one fourth of a length of the periphery of the plate-like face body located on the side of the heel.

Anderson prefers the materials of the plate-like face body and the head body being the same, though Anderson does not teach having different materials for the plate-like face body and head body being undesirable. Anderson does not disclose the plate-like face body being made of a metal different from the metal of the head body. O'Doherty et al. discloses the maraging steel being desirable as a face plate in order to avoid impact absorption (See Brief Description of the Invention). One having ordinary skill in the art would have found it obvious to use maraging steel as a plate-like face body, as taught by O'Doherty et al., in order to void impact absorption.

Regarding claim 4, limitation is a product by process with does not structurally distinguish the claimed invention from the combination applied in claim 1. Therefore, it submitted that the combination applied in claim 1 meets this limitation (See MPEP

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2113). Alternatively, Anderson does not explicitly teach the type of welding process used, but one having ordinary skill in the art would have drawn therefrom that any welding process may be used so long as it facilitates attachment of the plate-like face body to the head body and, therefore, would have been obvious.

Regarding claim 5, Anderson discloses the periphery of the plate-like face body on the heel side being located to be in no contact with the ball when the ball comes into contact with a specified portion of the iron head which extends between the surface of a face part of the iron head and the surface of the heel part of the iron head during shots by the iron head (See Figure 1).

Regarding claim 7, Applicant does not disclose why it is critical for the plate-like body to extend over the entire width of the head body vertically in order to attain the invention. One having ordinary skill in the art would have found such to be an obvious matter of design choice. The width of the plate-like face body of Anderson et al. would perform equally as well because it creates an area wherein the ball may be struck.

Regarding claim 8, Anderson shows the thickness of the heel part of the head body at its portion confronting the end face of the periphery of the plate-like face body on the heel side being larger than that of the face body (See Figure 1).

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (USPN 5255918) in view of O'Doherty et al. (USPN 6383090) further in view of Campau (USPN 4398965).

Regarding claim 9, Anderson et al. in view of O'Doherty discloses the plate-like face body made of maraging steel and the head body made of a stainless steel, but

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does not disclose the type of stainless steel. Campau disclose an iron golf club head a head body made of 17-4 stainless steel (See Columns 3 and 4). Campau also notes that the material is common used within the art for casting irons. One having ordinary skill in the art would have found it obvious to have the head body made of 17-4 stainless steel, as taught by Campau, because of its availability within the art. It is also submitted that 17-4 stainless steel inherently contains 17% chromium, 4% nickel, 4% copper, and 1% niobium.

Regarding claim 10, Anderson et al. inherently discloses the thickness of the portion of the heel part being at least 0.2mm larger than that of the plate-like face body being that a tolerance would exist to allow for the welding of the plate-like body to the head body.

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-

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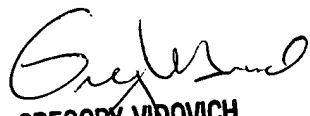
4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich, can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAN

Alvin A. Hunter, Jr.


GREGORY VIDOVICH
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